

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA

-against-

MIHAI MURINEANU,

Defendant.

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SUPPLEMENTAL SENTENCING SUBMISSION

DOCKET NUMBER 10 Cr. 63 (FB)

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December 6, 2011

Hon. Frederic Block
United States District Judge
225 Cadman Plaza East
Brooklyn, N.Y. 11201

By ECF

Re: United States v. Mihai Murineanu
Cr. 10-063

Dear Hon. Judge Block:

This letter is forwarded in response to the Second Addendum to the Presentence Report. The Second Addendum states that the defendant agreed that he was accountable for a loss exceeding \$400,000 in his plea agreement. This is not correct. The loss amount in the agreement was a non binding estimate calculated by the Government.

As to the issue relating to role in the offense, the PSR incorrectly characterized the defendant's objection as a factual one. It is my understanding that there are no relevant or significant factual dispute between the government and defendant as to the conduct of the participants in the conspiracy. We also think it is inappropriate to defer to the government without any attempt to determine what the factual disputes, if any, are.

The Addendum itself sets forth the factual basis of defendant's objection relating to his role in the offense. While we agree that producing counterfeit access devices is a complex task (noted at the top of page 2 of the Addendum), it was Bogdan Parashiv, not Mihai Murineanu, who produced the access devices using his computers skills and his ability to do all that was necessary to obtain the access numbers and turn them into the counterfeit devices. That Parashiv gave Mr. Murineanu some credit cards (or gift cards with account information) and instructed him how to make withdrawals is consistent with the acts of a minor participant. That Mr. Murineanu accompanied Parashiv or others when one of the other participants placed the skimming device in an ATM is similarly consistent.

LAW OFFICE OF SAM A. SCHMIDT

Should your Honor have any questions, please feel free to contact our office. Thank you for your consideration.

Sincerely,

/s/

Sam A. Schmidt

cc: AUSA Richard Ticker

USPO Jeremy Neiss

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